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6 Attorneys for Plaintiff  
 7 WEBCOR CONSTRUCTION, INC.  
 dba WEBCOR BUILDERS

8 UNITED STATES DISTRICT COURT

9 NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO DIVISION

10  
 11 UNITED STATES of AMERICA for the Use and  
 Benefit of WEBCOR CONSTRUCTION, INC. dba  
 12 WEBCOR BUILDERS, and WEBCOR  
 CONSTRUCTION, INC. dba WEBCOR  
 13 BUILDERS,

14 Plaintiffs,

15 vs.

16 DICK/MORGANTI, a joint venture, DICK  
 CORPORATION, THE MORGANTI GROUP,  
 17 AMERICAN CASUALTY COMPANY OF  
 READING, PA, NATIONAL UNION FIRE  
 18 INSURANCE COMPANY OF PITTSBURGH, PA,  
 and DOES 1 through 10, inclusive,

19 Defendants.

20  
 21 **CASE NO.: 3:07-CV-02564-CRB**

**JOINT STATEMENT RE: INITIAL CASE  
 MANAGEMENT CONFERENCE AND  
 PROPOSED DISCOVERY  
 PLAN/SCHEDULING ORDER**

Conference Date: November 9, 2007

Time: 8:30 a.m.

Dept.: Courtroom 8 (19th Floor)

Judge: Hon. Charles R. Breyer

22 I. **INTRODUCTION**

23 This case arises out of the construction of the project commonly referred to as the GSA Federal  
 Building Project located in San Francisco, California (“the Project”). Plaintiff Webcor Construction,  
 24 Inc. dba Webcor Concrete (“Webcor”) filed its action on May 15, 2007 against the general contractor  
 for the Project, Dick/Morganti Joint Venture, and its sureties, American Casualty Company and  
 25 National Union Fire Insurance Company.

26 The parties file this Joint Statement for the purpose of advising the Court that, in light of the  
 27 continued Initial Case Management Conference date of November 9, 2007, the pending Motion to Stay  
 28

1 and the existence of additional parties who are not yet before the Court, it would be premature for the  
 2 parties to file a Joint Initial Case Management Conference Statement ("ICMCS") at this juncture.

3 Based on the pending November 9, 2007 Case Management Conference date, the parties believe that  
 4 the Joint ICMCS and attendant disclosures and proposed discovery plans should be filed no later than  
 5 November 2, 2007.

6 **II. STATUS**

7 Shortly before responses were due to Webcor's Complaint, and after the Court has issued its  
 8 May 15, 2007 Order Setting Initial Case Management Conference and ADR Deadlines, the parties  
 9 entered into a Stipulation extending the time for all defendants to respond to Webcor's Complaint to  
 10 and including September 17, 2007. The Stipulation further stated the parties' request that the Initial  
 11 Case Management Conference, previously scheduled for August 24, 2007, be advanced to a date in  
 12 November 2007. The Stipulation and Order were executed and entered by the Court on June 29, 2007  
 13 and the original case management conference date of August 24, 2007 was advanced by the Court to the  
 14 date of November 9, 2007.

15 Thereafter, on July 20, 2007, the surety defendants filed a Motion to Stay the entire action. That  
 16 Motion has been fully briefed and is set to be heard on August 24, 2007. Further, on July 27, 2007, the  
 17 surety defendants filed a third party Complaint naming numerous additional subcontractor parties who  
 18 are not yet before this Court.

19 In light of the above facts, it is the belief of the parties that filing the Joint ICMCS and attendant  
 20 disclosures and proposed discovery plan would be premature at this time. Most significantly, there is a  
 21 pending Motion to Stay the entire action and there are numerous parties who have not yet appeared.  
 22 The undersigning parties believe that it would be more prudent to resolve the pending Motion to Stay  
 23 and to await the appearance of the additional named parties and thereafter file the Joint ICMCS shortly  
 24 in advance of the November 9, 2007 Initial Case Management Conference.

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1       **III. CONCLUSION**

2       Based on the above, the parties hereto submit to the Court that they will file a Joint Initial Case  
3       Management Conference Statement by no later than November 2, 2007 in advance of the November 9,  
4       2007 Initial Case Management Conference.

5       Dated: Aug 21, 2007

BOWLES & Verna LLP

6       By: 

7       RICHARD T. BOWLES  
8       KENNETH G. JONES  
9       Attorneys for Plaintiff  
10      Webcor Construction, Inc.  
11      dba Webcor Builders

12      Dated: August 20, 2007

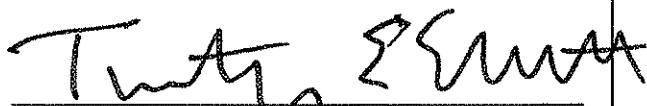
13      PECKAR & ABRAMSON, P.C.

14      By: 

15      RAYMOND M. BUDDIE  
16      TIMOTHY E. ELLIOTT  
17      RICK W. GRADY  
18      Attorneys for Defendant  
19      American Casualty Company of Reading,  
20      Pennsylvania

21      Dated: August 20, 2007

22      PECKAR & ABRAMSON, P.C.

23      By: 

24      RAYMOND M. BUDDIE  
25      TIMOTHY E. ELLIOTT  
26      RICK W. GRADY  
27      Attorneys for Defendant  
28      National Union Fire Insurance Company  
          of Pittsburgh, Pennsylvania

**PROOF OF SERVICE**

I, the undersigned, declare as follows: I am a citizen of the United States, over the age of 18 years, and not a party to, or interested in the within entitled action. I am an employee of BOWLES & Verna LLP, and my business address is 2121 N. California Blvd., Suite 875, Walnut Creek, California 94596.

On August 21, 2007, I served the following document(s):

**JOINT STATEMENT RE: INITIAL CASE MANAGEMENT CONFERENCE AND PROPOSED DISCOVERY  
PLAN/SCHEDULING ORDER**

on the following parties in this action addressed as follows:

Attorneys for Defendants

Raymond M. Buddie  
PECKAR & ABRAMSON, P.C.  
250 Montgomery Street  
16th Floor  
San Francisco, CA 94104  
Tel: 415.837.1968  
Fax: 415.837.1320

XXX **BY MAIL:** I caused each such envelope, with postage thereon fully paid, to be placed in the United States mail at Walnut Creek, California. I am readily familiar with the business practice for collection and processing of mail in this office. That in the ordinary course of business said document(s) would be deposited with the U.S. Postal Service in Walnut Creek on that same day. I understand that service shall be presumed invalid upon motion of a party served if the postal cancellation date or postage meter date on the envelope is more than one day after the date of deposit for mailing contained on this affidavit.

**BY PERSONAL SERVICE:** I delivered each such envelope by hand to each party addressee above.

**BY OVERNIGHT DELIVERY:** I caused each envelope, with delivery fees provided for, to be deposited in a box regularly maintained by UPS/Federal Express. I am readily familiar with Bowles & Verna's practice for collection and processing of correspondence for overnight delivery and know that in the ordinary course of Bowles & Verna's business practice the document(s) described above will be deposited in a box or other facility regularly maintained by UPS/Federal Express or delivered to an authorized courier or driver authorized by UPS/Federal Express to receive documents on the same date that it is placed at Bowles & Verna for collection.

**BY FACSIMILE:** By use of facsimile machine number (925) 935-0371, I served a copy of the within document(s) on the above interested parties at the facsimile numbers listed above. The transmission was reported as complete and without error. The transmission report was properly issued by the transmitting facsimile machine.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that I am employed in the office of a member of the bar of this court at whose direction the service was made. Executed on August 21, 2007, at Walnut Creek, California.

Donna Withrow  
DONNA WITHROW